



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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***NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.***

# HOUSE WEEK IN REVIEW

The House of Representatives approved and sent to the Senate H.4550, a bill providing for an **INCOME TAX RATE REDUCTION FOR MARRIED TAXPAYERS**. This bill establishes a schedule for state income tax rate reductions for married taxpayers who file joint tax returns by annually reducing the current three percent income tax rate over the course of three years so as to ultimately set the rate at two percent.

The House amended, approved, and sent to the Senate H.4243, a bill providing that, notwithstanding another provision of law, a **PERSON WHO POSSESSES A CONCEALED WEAPONS PERMIT MAY POSSESS A FIREARM IN A VEHICLE ON THE CAPITOL GROUNDS**.

The House amended, approved, and sent to the Senate H.3058, a bill that provides that certain **CRIMINAL DOMESTIC VIOLENCE CONVICTIONS IN OTHER STATES** are to be considered when determining a previous conviction for purposes of enhancing the penalty.

The House approved S.1033 and enrolled the bill for ratification. This bill **DESIGNATES THE COLOR INDIGO BLUE AS THE OFFICIAL COLOR OF THE STATE OF SOUTH CAROLINA**.

The House approved S.936 and enrolled the bill for ratification. This comprehensive legislation revises portions of the **UNIFORM COMMERCIAL CODE (UCC)**. Revisions of Articles 3 and 4 to the UCC update the parts of the UCC relating to negotiable instruments and banks (sometimes called the laws of payment systems). These updates accommodate changing practices and modern technologies.

The House approved S.883 and enrolled the bill for ratification. The legislation designates the twelfth day of May of each year as “**FIBROMYALGIA AWARENESS DAY**” in South Carolina to educate employers, physicians, and citizens of South Carolina of the debilitating effects of fibromyalgia.

The House amended S.463, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT RELATING TO POST EMPLOYMENT BENEFITS**, and returned the joint resolution to the Senate. This joint resolution proposes to amend the South Carolina Constitution to provide that the funds of any trust fund established by the General Assembly by law for the funding of post-employment benefits for state employees and public school teachers may be invested and reinvested in equity securities subject to the same limitations on such investments applicable for the funds of the various state-operated retirement systems.

The House amended, approved, and sent to the Senate H.4743, a bill relating to **AFFORDABLE HOUSING PROJECTS UNDER MUNICIPAL AND COUNTY TAX INCREMENT FINANCING** provisions. The legislation revises provisions of the Tax Increment Financing Acts for municipalities and counties, so as to provide that redevelopment projects also include affordable housing projects where all or a part of new property tax revenues generated in the tax increment financing district are used to

provide or support publicly-owned affordable housing in the district or is used to provide infrastructure projects to support such in the district.

The House approved and sent to the Senate H.4899, a joint resolution creating a **STUDY COMMITTEE TO EXAMINE THE DELIVERY OF BEHAVIORAL HEALTH CARE SERVICES** in South Carolina. The study committee is composed of ten members of the General Assembly, of whom five must be members of the Senate appointed by the President Pro Tempore of the Senate, and five must be members of the House of Representatives appointed by the Speaker of the House of Representatives. The committee shall make a report to the General Assembly together with its findings and recommendations no later than January 1, 2009, at which time it is dissolved.

The House amended, approved, and sent to the Senate H.4320, a bill pertaining to **QUALIFICATIONS FOR ATTENDANCE AT PUBLIC SCHOOLS**. This bill provides that a child may attend the public schools of a school district free of charge if the child resides with an adult resident of that district as a result of the child's parent(s) or legal guardian's military deployment or call to active duty more than 70 miles from their residence for a period greater than sixty days. Also, if the child's parent or legal guardian returns from such military deployment or active duty prior to the end of the school year, the child may finish the school year in the school he attends without charge, even if the child resides in another school district for the remainder of the school year due to his parent or legal guardian returning home. The bill also allows **NONRESIDENT MILITARY PERSONNEL TO ENROLL IN A PROGRAM DESIGNED TO AWARD A SOUTH CAROLINA HIGH SCHOOL DIPLOMA**, but neither the State nor the local districts would be required to bear the cost for any nonresident military personnel enrolled in such programs.

The House amended, approved, and sent to the Senate H.3592, a bill providing that **MOTORCYCLES OF DISABLED VETERANS ARE EXEMPTED FROM PROPERTY TAX**. This bill exempts from property taxes a motorcycle owned or leased by and licensed and registered in the name of a resident veteran of war who is permanently and totally disabled or who has suffered to loss of a limb as a result of a service-connected injury. This exemption applies to the surviving spouse of a qualified disabled veteran for the lifetime or until the remarriage of the surviving spouse.

The House amended, approved, and sent to the Senate H.4157, relating to **LICENSE PLATES**. This bill allows the Department of Motor Vehicles (DMV) to issue veteran license plates for use on private passenger motor vehicles or motorcycles to those individuals that have been honorably discharged from service. This veteran license plate has the same production requirements as other special plates. There are criminal penalties for providing false information to obtain the plate. The bill also allows nonprofit 501(c)(6) organizations to fall under the provisions of Section 56-3-8000, the statute which allows nonprofit organizations that meet certain requirements to have special license plates issued by the DMV.

The House approved and sent to the Senate H.4339, a bill relating to **NATIONAL GUARD PENSION BENEFITS**. This bill provides that a person who becomes a member of the National Guard after June 30, 1993, if otherwise eligible, may also receive a National Guard pension as authorized by the State National Guard Retirement System.

The provisions of this legislation apply to National Guard pension benefits payable on or after January 1, 2007.

The House approved and sent to the Senate H.4876, a bill providing for the **COORDINATION OF STATE RETIREMENT SYSTEMS WITH FEDERAL PROVISIONS**. This bill revises South Carolina retirement systems provisions to comply with the qualification requirements of the Internal Revenue Code regarding employee benefits, employer contributions, and other related matters.

The House approved and sent to the Senate H.4685, a bill **REVISING SITUS REQUIREMENTS OF BOATS FOR PROPERTY TAX PURPOSES**. This bill revises the existing situs requirements of boats for property tax purposes by increasing to a total of one hundred eighty days in a property tax year the time in this state necessary for the boat to be subject to property tax.

The House amended, approved, and sent to the Senate H.4529, which relates to **ILLEGALLY DISPENSING CONTACT LENSES**. Current law provides that the illegal dispensing of contact lenses is subject to a civil penalty imposed by the Department of Consumer Affairs (department). This bill provides that a person aggrieved by an order of the department may request a contested case hearing before the Administrative Law Court in accordance with the Administrative Law Court Rules of Procedure. The department may obtain an order from the Administrative Law Court for enforcement of the department's orders as provided in the Administrative Procedures Act and the Administrative Law Court Rules of Procedure. The proceeding for enforcement must be initiated by filing a petition with the Administrative Law Court in accordance with the Administrative Law Court Rules of Procedure. A copy of the request for a contested case hearing must be served upon all parties of record.

The House approved and sent to the Senate H.4774, a bill providing an **INCOME TAX CREDIT FOR PROCESSING DEER MEAT FOR CHARITABLE DONATION**. This bill provides for a nonrefundable income tax credit for any meat packer, butcher, or processing plant licensed or permitted by this State or the United States Department of Agriculture that, during the tax year for which the credit is claimed, had a valid contract with a nonprofit organization to process deer for donation to any charitable organization engaged in distributing food to the needy. The amount of the credit shall be fifty dollars for each carcass processed and donated.

The House approved and sent to the Senate H.4896, a bill providing that the **AREA COMMISSION OF TRI-COUNTY TECHNICAL COLLEGE MAY ENTER INTO GROUND LEASE AGREEMENTS WITH PRIVATE ENTITIES** upon approval of the State Budget and Control Board.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture Committee met on Tuesday, April 1, 2008, and addressed the following matters.

**S.368** relating to the **FLEET MANAGEMENT PROGRAM** was given a favorable report from the full committee. This bill adds that the Fleet Management Program shall seek to improve environmental quality in this state by decreasing the discharge of pollutants. In addition the bill outlines that a preference in purchasing state motor vehicles must be given to hybrid, plug-in hybrid, bio-diesel, hydrogen, fuel cell, or flex-fuel vehicles when the performance, quality and anticipated life-cycle costs are comparable to other available motor vehicles.

The full committee adjourned debate on **H.4764** regarding **WATER RESOURCES PLANNING FOR WATERCRAFT EQUIPMENT AND OPERATIONS**.

## EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

## JUDICIARY

The Judiciary Committee met on Tuesday, April 1, 2008.

**H.4725**, relating to **BALLOT STANDARDS AND SPECIFICATIONS**, received a favorable report. This bill provides that the name of each candidate shall appear no more than once on the ballot. If a candidate has been nominated by multiple parties or petitions, the bill further provides that the name of each party or petition nominating the candidate must be listed under the candidate's name.

The committee gave a favorable with amendment recommendation to **S.14**. Under the provisions of this bill, a **CHILD UNDER THE AGE OF SEVENTEEN MAY ACCOMPANY A QUALIFIED ELECTOR IN THE VOTING BOOTH** while he is casting his ballot.

**H.3058** received a favorable with amendment report. This bill provides that certain **CRIMINAL DOMESTIC VIOLENCE CONVICTIONS IN OTHER STATES** are to be considered when determining a previous conviction for purposes of enhancing the penalty.

**H.4067** received a favorable report. Upon certain conditions, this bill exempts a deed transferring real property from a trust to a trust distributee upon the death of the settler from having to pay a **DEED RECORDING FEE**.

The following bills were referred to a subcommittee:

- **H.3343**, a bill pertaining to **QUALIFICATIONS FOR REGISTRATION TO VOTE**, was recommitted to the Election Laws Subcommittee
- **H.3642**, a bill pertaining to **MUNICIPAL ANNEXATION**, was recommitted to the Special Laws Subcommittee

- **H.3679**, a bill relating to **ADULT BUSINESSES**, was committed to the Criminal Laws Subcommittee

## LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, April 1, 2008.

**S.799 AURICULAR DETOXIFICATION THERAPY** received a favorable with amendment report from the full committee. Auricular therapy is a non-invasive naturopathic treatment to the external surface of the ear (or auricle). This method incorporates principles used in acupuncture, acupressure and reflexology. This bill allows auricular detoxification therapy to be done under general supervision. This bill provides that anyone who has practiced auricular therapy since 1997 must be issued a license and renewal license without meeting the other licensure requirements. This bill also allows for a five-member Acupuncture Advisory Committee with a quorum of three members.

The full committee gave favorable recommendation to **S.970 CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS**. This bill deletes the notification provision for the South Carolina Department of Health and Environmental Control to notify the school district superintendent and the school nurse of an attending student who has AIDS or HIV.

Full committee gave favorable recommendation with amendment to **H.4648** called "**ELIMINATION OF RACIAL AND ETHNIC DISPARITIES ACT**". Subject to funds being appropriated for the program, this bill directs the South Carolina Department of Health and Environmental Control (DHEC) to establish a grant program to foster coordinated, collaborative, broad-based participation by State and local governments, faith-based organizations, private-sector health care providers, voluntary health care resources, social service providers, and nontraditional partners. DHEC is to develop measurable outcomes to reduce health disparities for a set of specific diseases and conditions. The grant program is meant to supplement existing programs for reducing racial and ethnic health disparities. The bill also outlines the grant program criteria and guidelines. Grant awards are to be made no later than February 1, 2009 and are to be funded one year and may be renewed.

**H.4687** relating to **SCHEDULE I DRUGS** received a favorable report by the full committee. This bill adds Salvia Divinorum and Slvinorin A to Schedule I on the list of controlled substances. Controlled substances are classified into five groups or "schedules" based on whether they have an accepted medical use; their relative potential for abuse; and the degrees of dependence that may be caused by abuse of the drug. Schedule I means a) the drug or other substance has a high potential for abuse; b) the drug or other substances has no currently accepted medical use in treatment in

the United States and/or c) there is a lack of accepted safety for use of the drug or other substance under medical supervision.

The full committee gave favorable recommendation with amendment for **H.4713** regarding **STATE VETERANS' CEMETERIES**. This bill reduces the minimum residency option for honorably discharged veteran and his or her eligible family member for burial in a state veterans' cemetery from 20 years to 5 years. This bill also clarifies that the veteran's eligible family member may be interred in the veterans' cemetery if he or she predeceases the veteran.

## WAYS AND MEANS

The full House Ways and Means Committee met on Tuesday, April 1, and reported out several bills.

The committee gave a report of favorable with amendment on **S.1066**, a joint resolution authorizing the **RELOCATION OF THE COLUMBIA STATE FARMERS' MARKET** from its current location on Bluff Road in Richland County to a new location selected by the Commissioner of Agriculture in Lexington County. The legislation re-authorizes certain expenditures for relocation and authorizes the Commissioner of Agriculture to terminate the pending project that relocates the market to the Walker Tract in Richland County, to resolve any related disputes, negotiate and enter any agreements incidental to the relocation project, and to engage any needed professional services. Should the commissioner terminate plans to locate the pending project at the Richland County site, as part of the commissioner's efforts to resolve and negotiate any disputes, the commissioner is directed to transfer and convey the portion of the Walker Tract conveyed to the State by Richland County back to Richland County. If Richland County were subsequently to transfer any of the property within a certain period of time, the legislation establishes conditions under which the county is to provide specified payment to the State for improvements it has made to the property. As part of the relocation project, the commissioner, in consultation with the Division of General Services, is authorized to sell and convey the Columbia Metrology Laboratory location and the contiguous tract of land. Certain remaining funds are authorized to be used to implement a statewide farmers' market system.

The committee gave a report of favorable with amendment on **H.4745**, a bill enacting the **"SOUTH CAROLINA RESIDENTIAL IMPROVEMENT DISTRICT ACT"**, to provide a new option for financing infrastructure and other improvements necessitated by new residential developments. In instances where a new residential development is proposed, the legislation provides a mechanism for local governments to plan with the owners of the tracts of undeveloped land regarding what sorts of infrastructure and other improvements would be required to accommodate the new growth and additional demands of the proposed residential development. When an improvement plan has been adopted, the legislation authorizes the governing body of a county or municipality to create an improvement district and impose upon the landowners in that district an assessment to fund improvements such as roads, sidewalks, parks, recreational facilities, storm water drainage projects, utilities, and school facilities. A county or municipality is authorized to issue revenue bonds against the revenue from the new assessments.

The committee gave a report of favorable with amendment on **H.4743**, a bill relating to **AFFORDABLE HOUSING PROJECTS UNDER MUNICIPAL AND COUNTY TAX INCREMENT FINANCING** provisions. The legislation revises provisions of the Tax Increment Financing Acts for municipalities and counties, so as to provide that redevelopment projects also include affordable housing projects where all or a part of new property tax revenues generated in the tax increment financing district are used to provide or support publicly-owned affordable housing in the district or is used to provide infrastructure projects to support such in the district.

The committee gave a favorable report on **H.4774**, a bill providing an **INCOME TAX CREDIT FOR PROCESSING DEER MEAT FOR CHARITABLE DONATION**. This bill provides for a nonrefundable income tax credit for any meat packer, butcher, or processing plant licensed or permitted by this State or the United States Department of Agriculture that, during the tax year for which the credit is claimed, had a valid contract with a nonprofit organization to process deer for donation to any charitable organization engaged in distributing food to the needy. The amount of the credit shall be fifty dollars for each carcass processed and donated.

The committee gave a report of favorable with amendment on **H.3592**, a bill providing that **MOTORCYCLES OF DISABLED VETERANS ARE EXEMPTED FROM PROPERTY TAX**. This bill exempts from property taxes a motorcycle owned or leased by and licensed and registered in the name of a resident veteran of war who is permanently and totally disabled or who has suffered to loss of a limb as a result of a service-connected injury. This exemption applies to the surviving spouse of a qualified disabled veteran for the lifetime or until the remarriage of the surviving spouse.

The committee gave a favorable report on **H.4685**, a bill **REVISING SITUS REQUIREMENTS OF BOATS FOR PROPERTY TAX PURPOSES**. This bill revises the existing situs requirements of boats for property tax purposes by increasing to a total of one hundred eighty days in a property tax year the time in this state necessary for the boat to be subject to property tax.

The committee gave a favorable report on **H.4339**, a bill relating to **NATIONAL GUARD PENSION BENEFITS**. This bill provides that a person who becomes a member of the National Guard after June 30, 1993, if otherwise eligible, may also receive a National Guard pension as authorized by the State National Guard Retirement System. The provisions of this legislation apply to National Guard pension benefits payable on or after January 1, 2007.

The committee gave a report of favorable with amendment on **S.463**, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT RELATING TO POST EMPLOYMENT BENEFITS**. This joint resolution proposes to amend the South Carolina Constitution to provide that the funds of any trust fund established by the General Assembly by law for the funding of post-employment benefits for state employees and public school teachers may be invested and reinvested in equity securities subject to the same limitations on such investments applicable for the funds of the various state-operated retirement systems.

The committee gave a favorable report on **H.4876**, a bill providing for the **COORDINATION OF STATE RETIREMENT SYSTEMS WITH FEDERAL**



**PROVISIONS.** This bill revises South Carolina retirement systems provisions to comply with the qualification requirements of the Internal Revenue Code regarding employee benefits, employer contributions, and other related matters.

The committee gave a favorable report on **H.4673**, a bill providing for a **MANDATORY TWO PERCENT ANNUAL COST OF LIVING ADJUSTMENT FOR STATE RETIREES**. This bill revises state retirement systems provisions to provide for the awarding of a mandatory annual two percent cost of living increase among all members of the State's pension plans with the exception of the Judges and Solicitors retirement system which is already subject to guaranteed COLA provisions.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

#### **S.1150 *UNLAWFUL IMPORTATION, POSSESSION, OR SELLING OF CERTAIN FISH* Sen. Verdin**

This bill allows the Department of Natural Resources to issue special permits for the stocking of sterile white amur or grass carp hybrids in the waters of this State. The special permits must certify that the permittee's white amur or grass carp hybrids have been tested and determined to be sterile. In addition, the Department of Natural Resources may issue special permits for the importation, breeding, and possession of non-sterile white amur or grass carp hybrids.

#### **H.4952 *FERTILITY CONTROL AGENT OR CHEMICAL SUBSTANCE INTO WILDLIFE* Rep. M.A. Pitts**

This bill outlines that it is unlawful for a person to introduce a fertility control agent or chemical substance into any wildlife without a permit from the Department of Natural Resources. The department may issue a permit, authorizing the use of a fertility control agent or chemical in wildlife only for bonafide scientific research or management activities for the proper control of wildlife.

### **EDUCATION AND PUBLIC WORKS**

#### **H.4907 *PROHIBITION ON PUBLIC SCHOOL INSTRUCTION OR DISCUSSION OF ALTERNATIVE SEXUAL BEHAVIOR* Rep. Barfield**

This bill prohibits a public school from presenting or allowing to be presented a school program that involves instruction or discussion of alternative sexual behavior.

#### **H.4909 *"THE SOUTH CAROLINA DRUG FREE TRUCKING ACT"* Rep. Walker**

This bill provides that a person with a verified positive drug test or alcohol confirmation test is disqualified from driving a commercial motor vehicle until the person successfully

completes an alcohol or drug program. The bill requires a medical reporting officer conducting certain drug or alcohol confirmation tests to report positive verified test results to the Department of Motor Vehicles.

**H.4911 IDLING RESTRICTIONS FOR COMMERCIAL DIESEL VEHICLES**

**Rep. Walker**

This bill establishes idling restrictions for commercial diesel vehicles. The bill includes penalties for violations, and the State Transport Police Division of the Department of Public Safety shall enforce the provisions. Fines collected pursuant to this legislation must be placed in the Diesel Idling Reduction Fund administered by the State Treasury and used to develop and operate an idling awareness program. The Department of Health and Environmental Control shall promulgate regulations to administer and enforce these provisions.

**H.4936 HOME SCHOOL STUDENTS' PARTICIPATION IN  
INTERSCHOLASTIC ACTIVITIES**

**Rep. Bedingfield**

This bill permits home school students to participate in interscholastic activities of the school district in which the student resides pursuant to certain conditions.

## JUDICIARY

**S.490 ALLOWANCE OF ATTORNEY'S FEES IN STATE-INITIATED ACTIONS**

**Sen. McConnell**

Currently, in any civil action brought by the State, any political subdivision of the State or any party who is contesting state action, unless the prevailing party is the State or any political subdivision of the State, the court may allow the prevailing party to recover reasonable attorney's fees to be taxed as court costs against the appropriate agency under certain conditions. This bill provides that the agency is presumed to be substantially justified in pressing its claim against the party if the agency follows the mandate of state law that has not been invalidated by a court of competent jurisdiction. The bill further provides that attorney's fees must be limited to a reasonable time expended at a reasonable rate. The bill includes factors to be applied in determining a reasonable rate. The judge must make specific written findings regarding each factor in making the award of attorney's fees. However, in no event shall a prevailing party be allowed to shift attorney's fees that exceed the fees the party has contracted to pay counsel for work on the litigation. These provisions do not apply to an attorney's fees award paid to an attorney representing a landowner in a condemnation proceeding.

**S.833 CONFINING OR RESTRAINING AN ANIMAL IN A CRUEL MANNER**

**Sen. Knotts**

Under this bill, it is unlawful to knowingly or intentionally confine or restrain an animal in a cruel manner or knowingly or intentionally cause such cruel confinement or restraining of an animal. The bill includes graduated criminal penalties for violations. In certain circumstances, the bill allows a person to be issued a correction warning. The bill includes exceptions.

**S.913 GENERAL ELECTION BALLOTS**

**Sen. Martin**

Relating to general election ballots, this bill provides that the executive director must provide for ballots as required by law. The bill deletes some obsolete language.

**S.914 CERTIFICATION OF CANDIDATES Sen. Martin**

This bill provides that candidates for President and Vice President must be certified to the State Election Commission not later than 48 hours from the date the candidate receives the nomination.

**S.916 MEETING AND ORGANIZATION OF COUNTY BOARDS OF CANVASSERS Sen. Martin**

This bill provides that the commissioners of election for Governor, Lieutenant Governor, state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place in the county by no later than Friday next following the election, before one o'clock in the afternoon of that day, and shall proceed to organize as the county board of canvassers. The bill further provides that any meeting provided for in this section must be accessible and without cost to the public and must comply with the notice requirements of the Freedom of Information Act.

**S.1011 JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN Sen. Jackson**

This bill establishes the Joint Citizens and Legislative Committee on Children. Among other things, this committee is to study issues relating to children as it may undertake or as directed or requested by the General Assembly. The bill includes provisions for its membership, powers, and duties.

**S.1056 "SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2008" Sen. McConnell**

The stated intent of this comprehensive legislation is to provide law enforcement officers with the statutory authority to reduce recidivism rates of probationers and parolees, apprehend criminals, and protect potential victims from criminal enterprises.

**S.1106 COUNTY BOARDS OF REGISTRATION AND ELECTION COMMISSIONS Sen. McConnell**

This bill codifies the provisions of law that created and combined various County Boards of Registration and Election Commissions into a single entity. The bill further provides that those counties that do not have combined Boards of Registration and Election Commissions must have their separate boards and commissions appointed pursuant to the provisions of Sections 7-5-10 and 7-13-70.

**S.1122 WILD TURKEY FEATHERS Sen. Hutto**

Under this bill, it is not unlawful to sell the individual feathers of lawfully taken wild turkeys. However, this does not authorize the sale of beards or capes defined as the connected feathers of the turkey along the back or fans defined as the entire tail feathers.

**S.1221 CIVIL PROCEDURE IN MAGISTRATES COURT Sen. Hutto**

Relating to civil procedure in magistrates court, this bill deletes sections that have been provided for by the South Carolina Rules of Magistrates Court and renames the article to conform with the revisions.

**H.4910 ORDERS FOR PROTECTION FROM DOMESTIC ABUSE Rep. Cobb-Hunter**

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Relating to an order for protection from domestic abuse, this bill provides that the court may prohibit harm or harassment to a pet animal owned, possessed, kept, or held by the petitioner. The bill further provides that in ordering temporary possession of personal property, the court may order the temporary possession of pet animals.

**H.4919 SENTENCING GUIDELINES FOR CERTAIN REPEAT OFFENDERS**

**Rep. Talley**

This bill provides that a person with a prior conviction for a violent offense or an offense with a maximum penalty of 20 years or more who is convicted of another felony offense may not have his sentence suspended nor may probation be granted.

**H.4920 SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR CERTAIN CONTROLLED SUBSTANCE CONVICTIONS**

**Rep. Rutherford**

Current law provides for mandatory suspension of a person's driver's license for certain controlled substance convictions. This bill provides that driver's license suspension is in the discretion of the judge.

**H.4921 CRUELTY TO ANIMALS**

**Rep. Moss**

Relating to definitions in regard to cruelty to animals, this bill revises the definition of "animal" to mean all living domestic vertebrate creatures except homo sapiens.

**H.4925 MEMBERS OF AN EXECUTION TEAM**

**Rep. Young**

This bill provides that a person may not knowingly disclose the identity of a current or former member of an execution team or disclose a record that would identify a person as a current or former member of an execution team. A person whose identity is disclosed has a civil cause of action against the person who is in violation and may recover actual damages and, upon a showing of a wilful violation of this section, punitive damages. The bill further provides that a licensing agency, board, commission, or association may not file, attempt to file, initiate a proceeding, or take action to revoke, suspend, or deny a license to a person because that person participated in the execution of a sentence of death on a person convicted of a capital crime.

**H.4930 UNLAWFUL PURCHASE OF COPPER**

**Rep. G.M. Smith**

This bill provides that the purchaser of certain metals from a person who is not an authorized retailer or wholesaler must pay by check or money order and obtain the seller's identification number and license plate. Further, the record must be obtained for five years. The bill also provides that it is unlawful to wilfully and maliciously cut, mutilate, or deface real property for the purpose of obtaining certain metals. The bill includes penalties for violations as well as some protections for the victims of the attempted theft of certain metals.

**H.4951 PROHIBITED ACTS REGARDING THE SALE OF BEER AND WINE**

**Rep. Hart**

This bill prohibits the placement of portable containers or coolers containing beer or wine near doors used for ingress or egress from a licensed establishment.

## LABOR, COMMERCE AND INDUSTRY

### **H.4937 LONG TERM CARE INSURANCE POLICIES Rep. Scarborough**

This bill provides for rescinding and issuing long term care insurance policies, and requires the licensing and training of a producer of these policies. The legislation revises definitions contained in the Long Term Care Insurance Act, so as to further define "long term care insurance", and to define the term "qualified long term care insurance contract" or "federally tax-qualified long term care insurance contract." The legislation revises provisions relating to the approval of regulations, terms, and conditions applicable to a long term care insurance policy and group policy, and advertising restrictions, so as to provide the elements of what these policies may include and the conditions that must be met, and additional items that must be furnished to a policyholder in a monthly report. The legislation revises provisions relating to the adoption of regulations, so as to authorize the Director of Insurance to issue certain regulations to protect a policyholder if there is a substantial rate increase and establish minimum standards for producer education, marketing practices, penalties, and reporting practices for long term care.

### **H.4938 INSURER PROVISIONS Rep. Scarborough**

This bill revises provisions relating to the revocation or suspension of license of an insurer and its officers and agents and the publication of the notice, so as to provide a procedure for an aggrieved insurer to request a hearing before the Director of the Department of Insurance or his designee and provide recourse through judicial review. The legislation revises provisions relating to the retaliatory taxes, penalties, interest, and fees, so as to clarify that the fees, taxes, and obligations must be based upon the comparison of the aggregate requirements imposed by and paid to this State to the same imposed by and paid to the other state. The legislation revises provisions relating to the approval, conditions, and requirements for acquisition of a domestic insurer by a controlling producer, so as to redefine a portion of the definition of "controlling producer."

### **H.4939 INSURER FINANCIAL REQUIREMENTS REVISIONS Rep.**

#### **Scarborough**

This bill revises definitions used in matters relating to insurance, so as to redefine "admitted assets." The legislation revises provisions relating to capital and surplus required of stock insurers and mutual insurers, so as to require these insurers to list those that qualify as admitted assets on the insurer's most recent statutory financial statement filed with the Department of Insurance. The legislation revises provisions relating to the reduction from liability for reinsurance, so as to require a security to meet certain requirements consistent with the definition of "admitted assets." The legislation revises provisions relating to protected cell assets, so as to eliminate the authorization for attributable asset of a protected cell to be invested and reinvested without regard to the requirements of the code chapter pertaining to investment laws. The legislation revises provisions relating to loans by an insurer to its directors or officers, so as to eliminate the limitation on mortgage loans or residences acquired according to the code chapter pertaining to investment laws.

**H.4940 INSURANCE PRODUCERS AND AGENCIES Rep. Scarborough**

This bill revises provisions relating to insurance producers and agencies, so as to provide that unless denied licensure a nonresident person shall receive a nonresident producer's license with the same lines of authority held in the producer's home state. The legislation provides that limited line insurance includes credit insurance. The legislation provides for the definition of "biennial appointment fee", and provides for the payment of the fee if rejected by a bank. The legislation eliminates the administrative fee, and authorizes payment of fees by a credit or debit card. The legislation requires all applicants for a producer's license take an examination and eliminates the waiver or exemption for certain applicants. The legislation provides that a producer may not take the same continuing education course and casualty-licensed insurance producer course for continuing education credit more than one time in a biennial compliance period. The legislation provides for the nonwaiver of continuing education requirements. The legislation provides that individual licenses continue on a biennial basis on the licensee's month of birth. The legislation redefines the elements of "deceive or dealt unjustly with the citizens of the State." The legislation revises provisions relating to brokers and surplus lines, so as to require a property and casualty-licensed insurance producer to pass the South Carolina Broker Licensing Examination in order to be licensed as a broker. The legislation provides for payment of the broker's premium tax. The legislation eliminates a provision relating to education requirements for local and general producers.

**H.4960 UNFAIR TRADE PRACTICE TO ADVERTISE A DISCOUNT PRICE  
THAT REQUIRES A CASH REBATE COUPON Rep. Toole**

This bill provides that it is an unfair trade practice to advertise a price for a product that reflects a discount requiring a buyer to submit a coupon to the manufacturer for a cash rebate in order to obtain the advertised price. The legislation establishes a civil cause of action for a violation.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**S.311 LIABILITY INSURANCE FOR CHILDCARE BUSINESS Sen. Grooms**

This bill outlines that an owner or operator of a childcare center, group childcare home or family childcare home who does not carry liability insurance for the operation of his childcare business shall obtain signed statements from parents or guardians of each child currently enrolled. The statement must indicate that the parents or guardians have received notice that the childcare home does not carry liability insurance for the operation of its childcare business. These signed statements must be maintained in a file during the period of time a child is enrolled. The bill also outlines that the statements must be obtained by January 1, 2009.

**S.882 STATE BOARD OF DENTISTRY RESTRICTED INSTRUCTOR  
LICENSES**

**Sen. Cleary**

Under current law, the State Board of Dentistry issues dental instructor licenses to out of state licensed dentists who are teaching dental medicine full time at the Medical University of South Carolina of Dental Medicine. This bill changes to allow the State Board of Dentistry to issue restricted instructor license, adding that it can be given to a dentist who has not been refused a license or had a license revoked in this state,

another state or territory of the United States, or the District of Columbia. This bill also adds that this restricted license can be given to a dentist who teaches at an American Dental Association accredited dental auxiliary program at a technical college in this state or at a board recognized hospital based residency program situated in this state.

**S.918 CENTRAL FILL PHARMACIES Sen. Cromer**

This bill allows for the establishment of central fill pharmacies in the state. A central fill pharmacy, upon the request of another pharmacy permitted by this state, fills a prescription drug order and returns the filled prescription to the dispensing pharmacy for delivery to the patient or patient's agent. This bill also outlines certain operating procedures and requirements for central fill pharmacies

**S.1022 "SOUTH CAROLINA CRITICAL NEEDS NURSING INITIATIVE ACT"  
Sen. Peeler**

This bill addresses the critical nursing needs, outlining various grant and loan programs. This bill further outlines that the provisions are subject to appropriation by the General Assembly.

**H.4928 STROKE SYSTEMS OF CARE STUDY COMMITTEE Rep. Jefferson**

This bill establishes the state stroke systems of care comprehensive service delivery system and provides for its membership, duties and responsibilities of the study committee. This committee will conduct a review of the state resources to account for access to the most advanced treatment in centers that are best designed and equipped to deal with the critical and time sensitive needs of stroke patients and make recommended actions for an effective comprehensive stroke system of care.

## **WAYS AND MEANS**

**S.1171 UNUSED MANUFACTURER'S PROPERTY NOT SUBJECT TO  
PERSONAL PROPERTY TAX Sen. Peeler**

This bill revises provisions for listing and returning personal property for ad valorem tax purposes, to provide that a manufacturer not under a fee agreement is not required to return personal property for ad valorem tax purposes if the property remains in this State at a manufacturing facility that has not been operational for one fiscal year and the personal property has not been used in operations for one fiscal year. The personal property is not required to be returned until the personal property becomes operational in a manufacturing process or until the property has not been returned for ad valorem tax purposes for four years, whichever is earlier. A manufacturer must continue to list the personal property annually and designate on the listing that the personal property is not subject to this tax.



**H.4908 TOLL ROADS Rep. Cooper**

This bill revises provisions relating to the construction of toll roads, so as to provide that funds derived from tolls must, in the sole discretion of the Department of Transportation, be used for certain purposes, including the cost of acquisition, improvement, and refinancing of a toll project. The legislation revises provisions relating to the Department of Transportation's authority to enter into agreements to finance, construct, and maintain highways, roads, streets, and bridges, so as to provide that the department may also enter into agreements to finance and refinance these projects. The legislation eliminates a provision that restricts the department's and the State's political subdivisions' power to acquire, construct, equip, maintain, or operate certain projects. The legislation provides that the department shall establish initial tolls, but may delegate its authority to revise tolls based upon certain criteria. The legislation provides that the department may alter, extend, amend, modify, transfer or assign its agreements. The legislation provides that the department must use a competitive selection process when it solicits and selects a private entity to enter into a partnership agreement, and provides that the department is exempt from the provisions contained in the State Procurement Code.

**H.4912 TAX CREDITS AND INCENTIVES RELATING TO ECONOMIC DEVELOPMENT Rep. W. D. Smith**

This bill establishes a tax credit against the State's income tax for an employer who provides or sponsors a basic skills education program. The legislation provides for qualifications for the program and eligibility for the credit, as determined by the Department of Commerce, and the process for claiming the credit. The legislation revises provisions relating to taxpayers who qualify for an annual job tax credit against the State's income tax, bank tax, or insurance premium tax, so as to provide for designation of each county by the Department of Commerce as a Tier One, Tier Two, or Tier Three county according to its development factor. The legislation describes and defines a qualifying facility, modifies the amounts of the credits for job creation, specifies maintenance of statewide employment, further defines terms, and describes new eligibility for the job tax credit. The legislation revises provisions for the moratorium on taxes for certain companies creating new jobs in the State, and revises provisions relating to the employer income tax credit for hiring a person receiving family independence payments, so as to conform these provisions to the new county designations. The legislation revises provisions relating to credit against the State income, bank, or insurance premium tax, so as to redefine qualifications and processes for claiming the credit for amounts donated to a community development corporation and to limit the aggregate amount of the credits. The legislation revises provisions of the Enterprise Zone Act of 1995 providing for a job development tax credit available to a qualifying business in connection with job creation and minimum investment in accordance with a revitalization agreement with the South Carolina Coordinating Council, so as to conform the provisions to the new county designations. The legislation repeals Chapter 14 of Title 12 relating to the Economic Impact Zone Community Development Act of 1995 and a tax credit for certain manufacturers making qualified investments.

**H.4924 DISTRIBUTION OF A PORTION OF HOMESTEAD EXEMPTION FUND  
REVENUE CARRIED FORWARD TO THE SOUTH CAROLINA PUBLIC  
CHARTER SCHOOL DISTRICT Rep. Young**

This joint resolution provides that from any balance in the Homestead Exemption Fund which is carried forward to fiscal year 2008-2009, there must be distributed to the South Carolina Public Charter School District an amount equal to the number of pupils in that school district multiplied by \$4,658. This distribution comes before and reduces the balance available for distribution to counties for the property tax credits allowed for excess fund revenue.

**H.4927 RECYCLING FACILITY INCOME TAX CREDIT FOR ELECTRICITY  
COSTS Rep. Littlejohn**

This bill allows a refundable income tax credit to a recycling facility equal to the yearly amount expended by the recycling facility for electric service multiplied by one percent in the first year the credit is claimed, two percent in the second year, and increasing by two percent in the years up to a maximum of eight percent. The legislation provides that the credit is allowed only if the annual February Fifteenth forecast by the Board of Economic Advisors of annual general fund revenue forecasts growth that equals at least five percent of the most recent estimate of general fund revenues.

**H.4942 SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT  
REVISIONS Rep. Cotty**

This bill revises provisions relating to determining the fair market value of real property for purposes of the South Carolina Real Property Valuation Reform Act, so as to postpone the implementation of the transfer value of a parcel of real property unimproved since the last countywide reassessment program until the time of implementation of the next countywide reassessment program. The legislation requires the fifteen percent limit on increases in value to be calculated separately on land and improvements. The legislation revises provisions relating to the time an assessable transfer of interest occurs, so as to revise the penalty for failure to provide notice or failure to provide accurate notice to the assessing authority of business entity transfers. The legislation revises provisions relating to the classification and valuation of property for purposes of the property tax, so as to require the deed to property held in trust to recite the name of the beneficiary for the property to qualify as the beneficiary's legal residence and to require Social Security Numbers of applicants for the legal residence assessment ratio. The legislation revises provisions relating to continuing education requirements for assessors.

**H.4953 SOUTH CAROLINA LIGHTRAIL CONSORTIUM Rep. Cooper**

This bill establishes the South Carolina LightRail Consortium and provides for its governance, funding, duties, and powers.

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